

THE  
S U B S T A N C E  
OF THE  
S P E E C H  
OF THE *Petty (7th)*  
MARQUIS OF LANSDOWN, *P.*

IN THE HOUSE OF LORDS.

On the 14th of DECEMBER, 1790;

ON THE SUBJECT OF THE

CONVENTION WITH SPAIN,

Which was signed on the 28th of OCTOBER, 1790.

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BY ONE PRESENT.

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**T**HESE notes of what lately passed in the first assembly of the kingdom, do not pretend to accuracy, but to somewhat more correctness than any which have appeared in the public papers.

The publication of them is not occasioned by any thing which has been said upon the speech in question. But the corporation of the city of London, and a part of the public, appearing to have been hurried into a precipitate judgment upon the present subject, and the most important consequences having often arisen from an imperceptible change in the direction of national opinion; the Editor supposes that a sepa-

rate publication of the following facts and arguments may be of use, in support of a system which has, for ages, received the sanction and governed the practice of the wisest statesmen. It may serve likewise to prevent the public from catching too eagerly at doubtful advantages in trade and commerce, where none are wanting to national prosperity; especially at the risque of what we already possess, and the still greater risque of a war, which must ever be considered as the greatest of all possible evils to a manufacturing and commercial country; the very discussion of the matter in question, as will soon be felt, having already seriously added to our burthens.



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T H E  
S U B S T A N C E  
O F T H E  
S P E E C H  
O F T H E  
M A R Q U I S O F *L A N S D O W N*.

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ON the 14th of December, 1790, a motion was made in the House of Lords, for the production of papers respecting the Convention with Spain, which had been signed on the 28th of October. This motion was quickly negatived; and was immediately followed by another from a different quarter, for an address of thanks to his Majesty on the subject of the Convention; which occasioned a motion for the previous question

tion, and a debate, in which ministry, during a long interval, seemed inclined to take no part. The MARQUIS of LANSDOWN then addressed the house in a speech, of which the following are the principal particulars :

HIS LORDSHIP said, that he did not trouble the house, when the question respecting Nootka-Sound came before it in the last sessions ; considering the executive power as intitled, in the first instance, to conduct the negotiations with Spain. The constitution gave them that power ; good sense gave it them. But it belonged to the legislative body to pass a judgment on what was done. A judgment was even called for ; but none could weigh with the public which was not founded on information. Papers had been refused, and ministry seemed equally disposed to refuse all verbal information. To expect a vote of approbation under such circumstances, was clearly a violation of constitutional principles, which could never be admitted. It reduced the house, therefore, to the necessity of taking up the question upon the footing of notoriety and general information.

A noble Viscount (Sidney) had just given assurances, that the general sentiments of ministry were pacific, when he was lately a member of it. Ministry certainly set out  
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upon the principles of the peace in 1782-3, and had built, and taken credit with the public upon that foundation. It was neither just, nor was it his inclination, to try their proceedings by catching at general words, or even assurances; but by comparing their general conduct with the general system of the late peace, upon which they had thus solicited and obtained the public confidence. This could only be done by reviewing the great features of their administration on the subject of foreign politics; and as the points were soon summed up, the public would easily judge for themselves.

With respect to France, the object of the late peace had been, to extinguish all mistaken ideas of rivalry, which had hitherto prevailed; to leave nothing, if possible, undefined; nothing of consequence, mixed; nothing to commissioners to settle; and no room for foreign powers to interfere. The result was, that never was there a period when animosity so soon subsided, when so few subjects of discussion, much less of dispute, had occurred with France as subsequent to 1782.

With respect to Spain, the design had been to suffer the chief of what was conceded at the peace, to remain in the hands of the weakest power. He had no hesitation to say, that after the independence of the North American colonies, North American possessions no longer stood

stood in the same position with regard to Europe; nor from that time could any European settlements in those parts be deemed of a permanent tenure. Every thing however was reserved of which the negotiation admitted, for two purposes; first, to collect the public opinion, which has a right to be consulted where it can be done with safety in all great occurrences, especially commercial, a distinction strongly founded in the nature of things and in the practice of our government; and secondly, to assist the terms of our treaty of commerce with Spain.

Regarding Holland, the object was to remove the reproach which hung upon us from de Witt's treaty, and to stipulate for freedom and extension of trade, by the article respecting the Spice-Islands; and, by the third article of the treaty with them, to make them sensible of the consequence of treating through a third power.

As to the rest of Europe, the state of it was just such as could have been wished; being without a single engagement upon our hands, and free to adopt any or none as might be found eligible.

It remained to be inquired how far the conduct of ministers since 1783, had been conformable or not to these principles, and this



this situation, in regard to their general system in foreign politics, and their particular proceedings with Spain.

In the early affairs of Holland, the memorials they presented had been said in that house to have been *milk and water*, and in his own opinion they might have been more pointed; but, if there was any error in this, it was on the right side, and corresponded at least with the basis of their professions.

The next concern was the Germanic league entered into to check the growth of the emperor's power in Germany; which was an instance of the highest diplomatic wisdom to be found in the history of Europe. Prussia had every merit in projecting it, and it was highly becoming England to have been among the first to support it; but ministers apprehensive, of a clamour respecting Hanover, confined themselves (in the language of one of their body) to a *bow upon paper*. Hanover and England ought certainly to be kept distinct, yet in this case they had agreeing interests. The whole of Europe was indeed comprehended in the question; for Germany under a single head, not to mention the emperor's other possessions, menaced the safety of Europe; and the league operated accordingly.—The conduct used by ministry upon this occasion, if mistaken, was another mistake on the right side; the prevailing interest of this country being peace.

B

Next

Next succeeded the commercial treaty with France; which together with the language used in support of it, was so perfectly consistent with the fundamental principles professed, as to leave nothing to remark, except as to the neutral code; the evils of which might be presumed to have been sufficiently felt by ministers in their commercial negotiations with Holland; and must have been more so, had our dispute with Spain ended hostilely.

The next proceeding of ministers, calling for notice, was the memorable convention with Spain in 1786, respecting the Mosquito shore; a treaty which was *unipartite*. It had no precedent in history, except in the cession of Bucovina to the late emperor by the Turks, and was not to be explained upon any system of civilized or European politics. In all this however there was nothing to offend against pacific sentiments.

But the king of Prussia dies, and a total alteration of English politics ensues. From this æra, the pacific system became rejected; the antient language revived; France was again treated as a natural enemy; and *delenda est Carthago*. Still more; England was thought equal to dictate to the whole world. Our ministers and messengers overspread all Europe. Every court was to feel terror at the name of Britain; our resources were inexhaustible; and our power not to be resisted, especially

especially without the balance of France. Holland was obliged *by force* to return to our alliance, principle and persuasion being deemed equally unnecessary to be used with that free country; France was dictated to; the Turks were excited to murder the Russians, while proclamations at home were issued for restraining vice and immorality; the Swedes were to complete the humiliation of this devoted power; Denmark was ordered not to intermeddle; employments for the emperor was found in the Belgic provinces, in case the Turks had proved insufficient for the purpose; and all this was finally made to terminate in *Nootka-Sound*.

Some young gentlemen at China, attached to geography and a little commercial advantage, fit out a vessel called the *Sea-Otter*, for the North-West coast of America. Some Bengal adventurers fit out two other ships, with fine names, under Portuguese papers and colors. Some speculative merchants, men of letters perhaps, fit out two other ships, and the whole falls under the command of a young gentleman of the name of Mears; who is instructed and instructs his followers, in terms becoming the form and pomp of office, to violate a system regarding Spanish America, which it has been the policy of Europe, and in particular of this country, to adhere to for ages. “Rus-



“ sian, *English*, and Spanish vessels were  
 “ directed to be treated with like civility in  
 “ the first instance; but in case of an attempt  
 “ to turn the adventurers out of their way,  
 “ *force was to be repelled by force*, the parties  
 “ to be seized, and their ships brought in  
 “ to be condemned as prizes and their  
 “ crews as *pirates*. In planning a factory,  
 “ it was declared that they looked to a solid  
 “ establishment, and not one to be abandon-  
 “ ed at pleasure; and they authorized the  
 “ fixing it in the most convenient station;  
 “ only placing their colony in peace and  
 “ security, fully protected from the fear of  
 “ the smallest sinister accident.”

It was said that this had appeared by papers  
 laid by ministers before the house of Com-  
 mons; but this was impossible.--Occurrences,  
 arising out of this enterprize of a few indi-  
 viduals, begun without any due warrant for  
 it, or any proper subordination to the public  
 at large, form the ostensible ground of a  
 dissension with Spain. We arm in a manner  
 regardless of expence, and summon Spain to  
 submit in a manner alike unprecedented and  
 insulting. The convention then follows,  
 which parliament, with pretty much the  
 same peremptoriness, is called upon to ap-  
 prove.

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The facts, thus stated, admit the following observations: First, as to the late change made in the general system of our politics since 1782; and, secondly, as to the departure from the particular system observed for ages by this country respecting Spain and Spanish America.

With regard to the first object, namely the change in our general system, that which had been substituted appears to have wanted both vigour and consistency.

The situation of France had produced a crisis not unworthy the deliberation either of Greece or Rome. One plan, evidently offering for this country, was to have remained quiet and laid a foundation of gratitude and respect with France and Spain, and of reputation with Europe at large, by assuming a tone of dignity, moderation, and policy, united. On the other side were to be urged old practice, antient prejudices, revenge, and disabling possible enemies; motives justified by history, and even by civil-law writers. He undoubtedly was for the first system; but, seeing administration had not adopted it, he had been one of those alluded to by the noble Viscount, who was duped by the language of the *ministerial prints*, and imagined that the affairs of the Baltic had had a large share in our armament.

As

As every thing was left free by the peace upon a pacific system, by the same rule every thing was left open upon one that was warlike. We had alliances before us to choose; we were the only power in Europe looked up to; and we had only to have imitated the Prussian plan of the Germanic league to have imposed whatever conditions we inclined to, and to have been restrained by nothing but our own regard to justice and reputation. Sweden met us more than half-way; Denmark had no option; France, Russia, and Austria were occupied; and we might have obtained what terms we pleased from France and Spain, or have struck a blow which must have put it out of the power of either to have molested us for an immense period to come.

Instead of this, what is the state of Europe? We have mortally wounded the pride of Spain, who will always think that we have taken an unfair advantage; we have shaken our infant confidence with France; we have alienated both the sovereign and the country of Russia; Sweden has been betrayed; Denmark insulted; Portugal driven into a closer connection with Spain by our language, (while both our complaints and our merchants appear notwithstanding, dropped and forgotten;) and Prussia, our only efficient ally, will not say she is obliged to us. Europe, which, in 1782, was open to us throughout on pacific principles,  
and

and the balance at our command on warlike principles, has the scale turned against us, and stands on principles of alienation and personal hostility. Such has been the conduct used respecting Europe at large.

As to Spain, no relation of this country has undergone more complete discussion than our connection with Spain, and particularly respecting Spanish America. Our friendship with Spain, without referring to remote antiquity, was the object of our policy so far back as the reign of Henry VIII. and, upon the foundation of the treaty which then took place between the respective sovereigns, we have never surrendered our right of trading to the Spanish West-Indies, in the same manner that we have insisted with Portugal upon a right of trading to the Brazils; nor have we ever yielded up the right to either, in any negotiation, till the present convention. The navigation in the Spanish American seas was expressly stipulated by the 15th article of the treaty of 1670; which was recognized by the Spanish minister in 1749, and by their ambassador here, Mr. Wall; and of late years we have notoriously exercised the right itself both in voyages of discovery and for fishery. Sir Benjamin Keene, one of the ablest foreign ministers this country ever had, used to say, that, if the Spaniards vexed us in the first instance,



stance, we had means enough to *vex them* without infringing upon treaties, and the first step he would recommend would be to send out ships of discovery to the South Seas.— Thus stands the question, long established as to the right, which is plainly, therefore, not a point obtained for us by the present convention:— But let us now see with what cautious wisdom this avowed right has uniformly been managed.

A succession of able ministers at the court of Spain in Charles the Second's reign, Sir Richard Fanshaw, Lord Sandwich, and Sir William Godolphin, all united in advising forbearance as to the use of it. Sir William Godolphin did this in most pointed terms, after much conversation with the wisest of our London Merchants; whose unanimous opinion had long been, that it was better to trade with Spanish America, through Old Spain, than to have a direct intercourse with that part of the world ourselves. He was so much in earnest upon the subject, that he wrote to the king to prevent his being misled, directly or indirectly, by interested advisers; assuring him that there was no way more certain of fundamentally alienating the Spaniards, (as Sir Benjamin Keene afterwards confirmed,) and throwing our rivals in navigation into stricter correspondence and more frequent intercourse with them, than by interfering in  
South



South America. It was as clear then as it is now, that whatever we obtained for ourselves was not obtained for ourselves singly, but that other nations must participate in it. Perhaps there was wisdom, in more respects than one, in suffering the great stake, contained in the Spanish-American possessions, to lie to a certain degree dormant and unimproved in the hands of Spain. In any event, as long as Spain held the revenue and commerce arising from her colonies to be preferable to her manufactures, it was our interest to be content with commercial advantages in Europe as a compensation for suspending our claims respecting the South Seas, since our rights in that quarter might always be revived and brought forwards when opportunity called for it.

This policy was so wise, that it was considered by subsequent ministers as fundamental and not to be departed from. Accordingly it was followed all through the reigns of King William and Queen Anne, and it governed the negotiations, such as they were, at Utrecht; where Lord Bolingbroke considered it as the interest of England to uphold, as high as possible, the claims of Spain, with the idea of securing a preference to ourselves over the other nations in Europe.—Sir Robert Walpole's opinion is notorious, for he fell a sacrifice to it.—The Duke of Bedford, a warm minister,

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who

who had projects of discovery, was so cautious that he consulted the Spanish minister here, as well as sent to seek the opinion of the court of Madrid; and found our right fairly acknowledged, but the exercise of it deprecated as likely to be productive of war. He was not backward in insisting upon our large claims in those parts, and dwelt upon the good to arise to science, and to the world, and even to Spain, from proceeding in them; but, with great wisdom, he stopped short, saying that amity with Spain was important enough to supersede every other consideration, where the rights of the king's subjects were not immediately and intimately concerned.—Next came Lord Chatham; and, to his own intimate knowledge, being then secretary of state, and without alleging his own opinion or conduct as authority, this principle was what governed Lord Chatham in the early part of the negotiation respecting Falkland's islands; and it finally appeared to influence Lord North's conduct at the conclusion of that negotiation.\*

\* The matter of Falkland has frequently been mentioned in both houses of parliament, but has never been fully stated. The truth is, that the negotiation was embarrassed by the danger of a general war, for which preparations were then making in France; a fact not easy to be believed at the time, but which is now well ascertained. The change of ministry, which took place at this crisis, facilitated the conclusion of the pacification, which was effected on our side by recurring to the system so particularly enforced by Sir William Godolphin.

As to the particular terms of the convention just concluded, it stipulated, with respect to Nootka-Sound, what was either pernicious or trifling. It appeared a madness to think of colonies after what had passed in North America; but, if there were even two opinions upon this subject, there could be but one about our power of affording it: we could not do it.

As to the fishery, it was defined to our detriment, ten leagues being a new stipulation in the Spanish-American seas. Such a boundary deprived us of all fishery of consequence, excepting that of whales, and even of that in a considerable degree. Grotius, and all the civil law writers, joined to what had passed with Spain upon the subject, rendered any concession on this head useless; particularly as we had been in the habit of exercising the right of fishery for fourteen years back, under the avowed sanction of our acts of parliament.

Another observation which he desired to offer was, that we endangered our commercial treaty so long depending with Spain. We put to hazard our Spanish trade in woollens, hardware, cottons, and even *fish* itself; not whales indeed, but something more material, namely the *cod* of our fisheries of

Newfoundland. And the proceeding was the more unfortunate, as our trade in Spain laboured under many hardships, particularly the Alcavala duty, which was a *per-centage* upon every transfer of our articles sold in Spain, so as sometimes to amount to two-fifths of the prime cost.

But whatever increase of fishery or trade we had obtained, if it were even true that it was gained by means of the convention, the gain is not exclusive, but may be partaken in by other nations. The Americans had already been as active in these seas, as they had been accustomed to be in their own; and, by the accounts of Mr. Meares, had even some claim of discovery in their favour, by proving Nootka-Sound to be part of a large island. Russia had perhaps a still closer interest in the case.

It was farther to be noticed, that, if trade and fishery should increase under the convention in these distant seas, the experience of Newfoundland made it clear that a fleet must be provided to protect both of them; which yet, in case of war, would together with the objects designed to be protected by it, be likely to fall into the hands of a superior force, always on the spot; and thus lose to us the the very naval strength we designed to create by them. In short, every thing proved  
the



the absurdity of having a nursery for seamen at so great a distance.

The experience of Newfoundland had served to convince us of another thing admitted under the present convention, namely, the mischief of concurrent rights. There was not a sea-officer, who could not witness from his own experience, or what he had heard, the successive disputes which had occurred at Newfoundland, till distinct lines were drawn, and all interference prohibited by the peace of 1782.

It was singular to find the convention stipulating, on our side, that the most effectual measures should be taken to prevent our navigation and fishery being made a pretext for illicit trade with the Spanish colonists, when it was notorious that we could not prevent contraband upon our own coasts at home, close to the very seat of our government. How then was it possible to prevent quarrels upon this subject, arising from the guardacostas of Spain?

The convention, in short, seemed big with evils, and this was the more to be lamented, as the Spanish possessions in the parts in question were probably not worth many years purchase to Spain. Before our engaging therefore in the discussion, it would have been wise had the matter been properly investigated,  
and

and the public opinion duly taken, as well as the value of the whole properly weighed; especially taking into consideration the consequences of war in regard to taxes which no man could tell, let our success be what it might.

His lordship then stated the following reasons for calling on every reflecting man to vote on the present occasion, however disposed he might be on other points. First, to manifest to Spain, that the public of this country had not changed its opinion advisedly whatever might be the conduct of its ministers; and disdained to take any ungenerous advantages. Secondly, to prove the same things to Europe at large; and that we are as forward as any nation whatever to listen to the voice of philanthropy, and philosophy, and peace, which as a noble Lord (Rawdon) had stated, was so happily for mankind gaining ground fast in every civilized nation. Lastly, to assist in preventing future ministers either from falling into difficulties of a similar magnitude with the present, by the acts of unauthorized individuals, on the one hand, in times less favorable to the event of them; or from being forced into them, on the other, by a senseless clamor, as happened to that great minister of his day, Sir Robert

Robert Walpole, though living in close confidence with Cardinal Fleury; and whose fate therefore it would be difficult for ministers, less able and less respected, in such cases to avoid.



Robert M. [illegible] [illegible] [illegible]  
[illegible] [illegible] [illegible] [illegible] [illegible]  
[illegible] [illegible] [illegible] [illegible] [illegible]  
[illegible] [illegible] [illegible] [illegible] [illegible]